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\*Not for service of process

January ~~10~~<sup>11</sup>, 2013

Via ECF

Hon. U.S. Magistrate Judge Roanne L. Mann  
United States District Court  
Eastern District of New York  
225 Cadman Plaza  
Brooklyn, NY 11201

RE: Kim Yancey v. Bai Sushi Restaurant, Inc. & Rainbrook Realty Inc.  
Index Number 12-CV-04537 (SLT)

Dear Magistrate Judge Mann:

As I previously advised the Court, the attorneys for the Plaintiff and the Defendants in the within action have been discussing a possible settlement of this case. The Plaintiff proposed a settlement which we communicated to our clients but have not received a response from my clients.

I have been experiencing a substantial amount of discomfort by reason of having contracted the Flu last Thursday. I have not been able to be in contact with my clients by reason of this illness. As soon as I recover from the Flu, I intend to contact my clients with the intention of working out a settlement of this case.

*Defendants' "Motion to Adjourn Conference" is denied as moot, inasmuch as there is no pending conference.* Respectfully yours,

*Sidney A. Weisberg*  
Sidney A. Weisberg (SW 7996)

SAW: atr  
cc: Donald J. Weiss, Esq.

*The parties have reportedly been discussing settlement for more than a month. By January 22, 2013, they are directed to file a stipulation of discontinuance or a joint proposed discovery schedule.*

SO ORDERED:  
/s/  
Roanne L. Mann  
U.S. Magistrate Judge  
Dated: 1/11/13